THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION No.23198 of 2005

27.10.2005

Between:

M/s.K.C.P. Projects Ltd., (Formerly known as KCP Builders)

Gagan Mahal, Domalguda, Hyderabad.

… Petitioner

AND

1. The Government of Andhra Pradesh, Rep by its Secretary,

Revenue (ASN.ii) Department, Secretariat, Hyderabad.

And others.

… Respondents

ORDER:

The petitioner is a company engaged in civil contracts/construction business. Pursuant to the tenders invited by the fifth respondent for construction of Modern District Jail at Kesarapalli Village in Gannavaram Mandal of Krishna District at an estimated cost of Rs.9,30,92,516/-, the petitioner submitted its tender and became the highest bidder. The work was entrusted to the petitioner, who allegedly commenced the work on 29.7.2005. The modern jail was to be constructed on the land admeasuring Acs.30.60 in R.S.No.53 of Kesarapalli Village, which was allotted by the Government by the orders in G.O.Ms.No.964, dated 13.9.2003. While the work was mid-way, the Government of Andhra Pradesh issued another order being G.O.Ms.No.1644, dated 14.9.2005 cancelling the allotment of land for Modern Jail at Kesarapalli Village in R.S.No.53. Accordingly, as instructed by the District Collector, Krishna, the fourth respondent herein addressed a letter to the Superintendent of District Jail, Vijayawada to stop the work immediately. The said communication reads as under.

> Sir,
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> Sub:- Allotment of Land – Gannavaram Mandal – Kesarapally Village – Acs.30.60 cents – R.S.No.53 – Allotment to District Jial – Cancellation of Allotment – Regd.
>
> Ref:- 1. G.O.Ms.No.964 (AS ii) Dept. dt.13.9.2003.
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> 2. G.O.Ms.No.1644 Rev (ASN ii) Dept. dt.14.9.2005.
>
> 3. Dt.22.10.2005 of the meeting conducted by

District Collector, Krishna and the oral orders dt.22.10.2005.

* * *

It is hereby informed to you.

In the reference first cited above, the land to an extent of Ac.30.60 cents in R.S.No.53 of Kesarapally Village, Gannavaram Mandal, allotted free of cost to the construction of Modern Jail. Subsequently, the Government decided for the grant of said land to the superspeciality Hospital, Colleges, Industrial Institutions and IT, the allotment of site for the construction of Modern Jail of Ac.30.60 cents in R.S.No.53 of Kesarapally Village, in the reference first cited above, is hereby cancelled vide reference second cited above. Further an extent of Acs.40.00 cents in R.S.No.192/6 of Veerapanani Gudem Village is to be allotted for construction of Modern Jail.

In view of the above, the District Collector, Krishna orally ordered stoppage of construction of Modern Jail.

Hence the construction of Modern Jail works to an extent of Ac.30.60 cents in R.S.No.53 of Kesarapally stopped immediately. It is hereby informed Government is not responsible for subsequent constructions.

Yours faithfully,

Sd/-

Mandal Revenue Officer,

Gannavaram.

Dt.24.10.2005.

The petitioner assails the above letter contending that cancellation of allotment and consequential orders of stoppage of work is vitiated by *mala fides* and illegal. The petitioner alleges that respondents 1 to 4 cancelled the work and allotted the other land at the behest of local M.L.A. and that the petitioner has already spent a sum of Rs.2.50 crores.

The learned Counsel for the petitioner, Sri S.V.Muni Reddy, strenuously submits that the cancellation of allotment of the land for Modern Jail after a period of about two years, especially when a large sum of Rs.2.50 crores is spent on the project, is illegal. According to the learned Counsel, the funds of State exchequer would be wasted. The learned Counsel, however, does not deny that by reason of the cancellation of allotment of land in R.S.No.53 of Kesarapalli Village, and by the decision of the Government in allotting the land admeasuring Acs.40.00 in R.S.No.192/6 of Veerapanani Gudem Village, the contract itself is frustrated and if the petitioner seeks redressal for breach of contract, it has to approach the civil court.

When the contract is awarded to the petitioner, he was required to complete the work within twelve months. When the work itself is stopped, he cannot have any grievance and if the Government is payable any amounts, remedy lies elsewhere. Further, the petitioner has not challenged the orders of the Government in G.O.Ms.No.1644, dated 14.9.2005 by which the earlier allotment is cancelled.

Therefore, the petitioner cannot be said to have any grievance to seek redressal, in this writ petition.

The writ petition is, accordingly, dismissed. No costs.

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(**V.V.S. RAO,J**)

October 27, 2005

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